

Inventor: Tyc, David
Serial No.: 10/678,901
Attorney Dkt. No.: 021878.0005US1

RECEIVED
CENTRAL FAX CENTER

Art Unit: 3654
Examiner: Esther O. Okezie

OCT 25 2006

Remarks/Arguments

This amendment is submitted in response to the Office Action mailed July 27, 2006. In the Office Action, the Patent Office objected to the drawings under 37 C.F.R. 1.83(a). Additionally, the Patent Office rejected Claims 1, 2, 7-10 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

By the present amendment, Applicant submits that this response overcomes the objections and rejections to the claims by the Patent Office. Applicant is not submitting replacement drawing figures as Applicant believes that the specification as outlined below adequately details how the movable mechanical finger works to move the biased gripping member away from the stationary gripper. Additionally, the applicant has submitted the relevant specification quotes to overcome the §112 rejection. Applicant submits that the replacement drawings, and the response to the Office's rejection overcomes the objections and rejections to the claims by the Patent Office. Notice to that effect is requested

More specifically, the Patent Office rejected Claims 1, 2 and 7-10 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Patent Examiner states that it is unknown how the mechanical finger engages the biased gripper to cause it to move because no pneumatic or mechanical structure is presented.

The Applicant respectfully request that the Examiner revisit this issue. In the specification, the mechanical finger and its structure is presented. More specifically, the specification states:

"Bottles 610 which are gripped by the gripping devices 620 are in position to be moved through the steps of the washing process. After having gone through these steps, the bottles are dropped from the gripping device as indicated by arrow 630. In a preferred class of embodiments, bottles 610 are released from grip by the gripping devices 620 as a result of pneumatic fingers 650 which automatically move the biased gripping member away from the stationary gripping member thereby releasing the bottle. Automatic release of a bottle may

Inventor: Tye, David
Serial No.: 10/678,901
Army Dkt. No.: 021878.0005US1

Art Unit: 3654
Examiner: Esther O Okezie

further involve the use of a sensor, an electronic signal receiver, and a microprocessor programmed to release bottles meeting only certain criteria. A bottle may alternatively be removed manually however manual removal is less favored."

The specification clearly indicates the use of pneumatic fingers to release the bottle from the gripping members. Applicant respectfully submits that the rejection under 35 U.S.C. §112, first paragraph is moot in light of the above identified specification quote. Applicant respectfully submits that the claims are in condition for allowance. Notice to that effect is requested.

Conclusion

Claims 2-8 depend from Claim 1; and Claim 10 depends from Claim 9. These claims are further believed allowable for the same reasons set forth with respect to independent Claims 1 and 9 since each sets forth additional novel components and steps of Applicant's Crown Neck Container Gripping Device.

Request For Allowance

In view of the foregoing remarks, Applicant respectfully submits that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue. Applicant requests the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,
Rutan & Tucker, LLP

Dated: October 25, 2006

By: 

Hani Z. Sayed
Registration No. 52,544

Attorneys for Applicant(s)
611 Anton Blvd. Suite 1400
Costa Mesa, CA 92626
Tel: (714) 641-5100
Fax: (714) 546-9035